

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) RRA14US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/760,222		Filed January 21, 2004
	First Named Inventor Kia Silverbrook		
	Art Unit 2853		Examiner Laura E Martin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☒ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☐ attorney or agent of record.
Registration number _____
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Kia Silverbrook

Signature

Kia Silverbrook

Typed or printed name

+61 2 9818 6633

Telephone number

June 16, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

US Application No. 10/760,222; Filed on January 21, 2004

Our Ref: RRA14US

Reasons for Pre-Appeal Review

Sole independent claim 5 stands rejected as obvious in light of US 6,443,555 to Silverbrook in view of US 6,722,759 to Torgerson et al (see the Final Office Action dated February 20, 2008). These citations fail to support a *prima facie* case of obviousness. With reference to MPEP 2143, the basic criteria for establishing a *prima facie* case of obviousness are clearly set out:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The cited references do not teach or suggest all the limitations of claim 5, hence the Examiner has not fulfilled the basic criteria for establishing a *prima facie* case of obviousness.

In particular, claim 5 is limited to a printer cartridge that has a body configured such that “user removal and replacement of the body *simultaneously* removes and replaces the printing fluid storage, the pagewidth printhead and the fluid connection” (emphasis added). The Applicant’s submissions dated April 10, 2008 explain the failure of these references to disclose all the claim elements.

In the '555 reference, the printhead modules 1 (which the Examiner has equated to the body of claim 5) is not configured for simultaneous removal of the ink cartridge 6 (which the Examiner has equated to the printing fluid storage of claim 5), the printhead unit 3 (which the Examiner has equated to the pagewidth printhead of claim 5) and the printer ink supply system of Figure 19 (which the Examiner has equated to the fluid connection of claim 5). It is plainly apparent that these components are assembled at different times during manufacture and not able to be simultaneously removed and replaced because they have been incorporated into a printer cartridge.

The Torgerson reference is cited as a disclosure of the first and second print chips whose combined lengths are "at least equal to the length of the pagewidth printhead".

Specifically, the Examiner highlights Figure 3 as a disclosure of these features. Again, these claim elements are completely absent from the citation.

In view of the foregoing, the references cited against claim 5 manifestly fail to support a §103 rejection.

For these reasons, the Applicant requests favorable consideration of the present application by the pre-appeal review board.